

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
: Plaintiff, : 12 Civ. 2826 (DLC)
-v- :
: :
APPLE INC., et al., :
: Defendants. : ORDER
: :
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: :
THE STATE OF TEXAS, et al., :
: Plaintiff, : 12 Civ. 3394 (DLC)
-v- :
: :
PENGUIN GROUP (USA) INC., et al., :
: Defendants. :
: :
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DENISE COTE, District Judge:

On February 19, 2014, this Court issued an Order requiring Apple, inter alia, to produce documents to the External Compliance Monitor ("Monitor") on a rolling basis, with the final production occurring not later than February 26. In a letter of February 20, Apple responds to the Order. It provides its characterization of events associated with Apple's request for a stay of the monitorship and its understanding of the import of the Second Circuit's denial of that request. It also explains that it will decide whether the documents requested by the Monitor are consistent with the scope of the Monitor's

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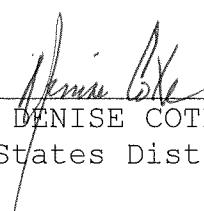
mandate and will not produce those documents that it determines fall outside that mandate.

Apple may not unilaterally decide to withhold a document requested by the Monitor on the ground that Apple has concluded that the Monitor's document request is not "consistent with the scope of [the Monitor's] mandate as interpreted by the Second Circuit." It is hereby

ORDERED that Apple shall follow the procedures outlined in the February 19 Order in making its document production, including the dispute resolution procedures. To the extent that Apple believes that any responsive documents should be withheld because they are protected from disclosure to the Monitor by a privilege, it shall produce a privilege log and follow the procedure outlined in the February 19 Order to resolve or address any disputes in this regard as well.

SO ORDERED:

Dated: New York, New York
February 20, 2014


DENISE COTE

United States District Judge